

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

IN RE ASSOCIATED PRESS, *et al.*

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NO. 5:22-mc-00111

NOTICE

At a November 10, 2022 hearing, I noted that the Fifth Circuit has clearly and emphatically stated that “[t]he public’s right of access to judicial proceedings is fundamental.” *Binh Hoa Le v. Exeter Fin. Corp.*, 990 F.3d 410, 418 (5th Cir. 2021). I further explained that there are limited circumstances in which it is appropriate to seal certain information from the public’s prying eyes. *See id.* at 417. But withholding access to public filings is unquestionably the exception rather than the rule. To decide whether something should be sealed, the Fifth Circuit requires district courts to undertake a “document-by-document, line-by-line balancing of the public’s common law right of access against the interests favoring nondisclosure.” *Id.* at 419 (quotations omitted).

As I promised at the November 10, 2022 hearing, I have carefully reviewed the Government’s Response in Opposition to Motion to Unseal Court Records (“Dkt. 7”) and the Government’s Opposition to Motion to Unseal Sealed Response of the United States (“Dkt. 9”) to determine what portions, if any, should be made accessible to the public. I have prepared a 10-page Order and Opinion explaining why I think large portions of Dkt. 7 and Dkt. 9 should be made publicly available. That Order and Opinion, issued earlier today, is available at Dkt. 13. In a nutshell, I believe that a partial unsealing of Dkts. 7 and 9 is the best way to promote the public’s interest in transparency while still protecting the Government’s interests. My Order and Opinion attaches as exhibits those redactions to Dkts. 7 and 9 that I believe should be placed on the public docket.

The Government has requested that I issue my Order and Opinion under seal so the Government may raise any objections with the District Court before the information contained in Dkts. 7 and 9 is publicly disclosed. Although I feel strongly that my proposed redactions to Dkts. 7 and 9 fully comply with the Fifth Circuit's command that district courts "zealously guard the public's right of access to judicial records," *Le*, 990 F.3d at 421, I will grant the Government's request. It behooves all of us to allow the Government to fully pursue its appellate remedies before issuing redacted versions of Dkts. 7 and 9. If the Government has not appealed this ruling to the District Court within 14 days, this Order and Opinion, as well as the redacted versions of Dkts. 7 and 9, must be publicly disclosed. If the Government does appeal this ruling, this Order and Opinion, as well as the redacted versions of Dkts. 7 and 9, will remain under seal until those objections are decided by the District Court. To be clear, I fully believe that my order (Dkt. 13) as well as my redactions to Dkts. 7 and 9 (Dkts. 13-1 and 13-2) should be made publicly available.

SIGNED this 28th day of November 2022.



ANDREW M. EDISON
UNITED STATES MAGISTRATE JUDGE